

The Zoning Ordinance for the Town of Fountain Hills

Chapter 13

INDUSTRIAL ZONING DISTRICTS

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Section 13.01 Purpose

- A. IND-1. Planned Industrial Zoning District.** The principal purpose of this Zoning District is to provide sufficient space in appropriate locations for certain types of business and manufacturing uses that are quiet, attractive and well-designed, including appropriate screening and/or landscape buffers to afford locations close to residential uses.
- B. IND-2. Light Industrial Zoning District.** The principal purpose of this Zoning District is to provide for light industrial uses in locations which are suitable and appropriate, taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, or other means of transportation, and the availability of public utilities. Principal uses permitted in this Zoning District include the manufacture, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazard to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety and general welfare.

Section 13.02 Permitted Uses.

- A. In IND-1 Zoning Districts,** a building or premise shall be used only for the following purpose:
 - 1. Any use permitted in the C-3 Zoning District, provided such use has a primary purpose of providing services for existing industrial uses in the area, with only incidental sales/service provided for the general public, subject to all the requirements in the use regulations for the IND-1 Zoning District unless the use is otherwise regulated in this article, except that the following uses shall be prohibited: mobile home parks, travel trailer parks, mobile home subdivisions, resort hotels, dwellings and mobile homes.
 - 2. Art needlework, handweaving and tapestries.

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3. Books, handbinding and tooling.
4. Compounding of cosmetics and pharmaceutical products.
5. Jewelry, manufacture from precious metals and minerals.
6. Laboratories, (research, experimental and testing).
7. Manufacture and assembly of non-hazardous and non-toxic materials.
8. Motion picture producing. No adult entertainment.
9. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.
10. Warehousing, storage and wholesale distribution facilities.
11. Any other office, laboratory, manufacturing and assembling uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which, by reason of high value in relation to size and weight of merchandise received and shipped create very little truck traffic.

B. In IND-2 Zoning Districts, a building or premise shall be used only for the uses listed above and for the following purposes, and subject to procedural regulations as listed in this Zoning Ordinance, Chapter 13, Section 13.05.

1. Any use permitted in the C-3 Zoning District provided such use has a primary purpose of providing services for existing industrial uses in the area, with only incidental sales/service provided for the general public, subject to all the requirements in the use regulations for the IND-1 Zoning District unless the use is otherwise regulated in this article, except that the following uses shall be prohibited: mobile home parks, travel trailer parks, mobile home subdivisions, resort hotels, dwellings and mobile homes.
2. Aircraft firms including sales, service and rental.
3. Bakeries, wholesale and retail.
4. Bottling plants or breweries.
5. Cleaning plants, including carpets and dyeing.
6. Construction equipment, including sales, service, rental and storage.
7. Dairy products processing.
8. Manufacturing and processing of non-hazardous materials.
9. Packing houses, fruit or vegetable not including processing.

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Section 13.03 Uses Subject to Special Use Permits.

In IND-1 and IND-2 Zoning Districts, the following uses are permitted by special use permit only:

- A. Manufacturing, processing, storing of hazardous materials.
- B. Recycling Operations.
- C. Utility Services, but not including public utility treatment and generating plants or office, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.

Section 13.04 Additional Regulations.

In the Industrial Zoning Districts, the additional regulations are as follows:

- A. All uses except for parking, loading, unloading and storage shall be conducted within a completely enclosed building.
- B. Any outdoor lighting shall be in conformance with provisions in Chapter 8 hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential Zoning District.
- C. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this Ordinance.
- D. Site Enclosure and Screening Requirements. Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows:
 - 1. Automobile parking areas in an IND-1 Zoning District shall be screened from view. In an IND-2 Zoning District, automobile parking areas shall be screened from any adjacent residential zoning district. All parking areas shall be landscaped by at least ten (10) feet of landscaping.
 - 2. A solid masonry, concrete or earthen product wall not less than eight (8) feet in height, or approved landscaped berms, or combinations thereof shall be required along and adjacent to any side or rear property line abutting any residential zone boundary, or any alley abutting such Zoning District boundary. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Commission upon recommendation of the staff.
 - 3. In an IND-1 Zoning District, any outdoor facility of an allowed industrial use is permitted. However, such facility shall be screened to a height of not less than eight (8) feet in height by building walls, a solid masonry, concrete or earthen product wall, approved landscaped berms, or combinations thereof. No outdoor industrial use or enclosure thereof shall encroach into any required setback area and no facility, storage products or materials shall exceed the height of any such enclosure. Approval of the

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alternative screening methods listed above shall be by the Commission upon recommendation of the staff. In an IND-2 Zoning District, the perimeter of any portion of a site not adjacent to a residential zone boundary upon which any outdoor use of an industrial nature is permitted shall be enclosed to a height of not less than eight (8) feet by building walls, a solid masonry, concrete, or earthen product wall. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

4. Landscape Requirements. Minimum site landscape requirements are as follows: (Note: the Town Council or the Planning and Zoning Commission may impose additional landscape requirements.)
 - a. Any part of a site not used for buildings, parking, driveways, storage, loading, sidewalks, etc. shall be landscaped and maintained in accordance with an approved landscape plan.
 - b. Not less than five (5) percent of all vehicle storage or parking areas, nor less than eight (8) percent of the total net lot area, shall be landscaped and continuously maintained in a healthy condition. The landscaped area within the storage and parking areas shall not be included in the calculation for the minimum eight (8) percent landscaping requirement for the total net lot area.
 - c. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and non-organic ground cover materials. The approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.
 - d. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
 - e. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.
5. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.

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Section 13.05 Procedural Regulations.

A. An IND-1 Zoning District may be established and made a part of the Zoning District maps prior to the Town Council approving a Plan of Development. The Plan of Development shall contain at least the following:

1. The location and arrangement of the buildings, structures and other improvements upon the land, including but not limited to, preliminary grading and drainage plans, walks, roadways, interior and boundary streets, vehicle parking areas, outside storage areas, perimeter screening, lighting, landscaping areas, and signs.
2. Specific site development plans shall include grading plans, landscape plans and landscaping treatments, building locations, vehicular ingress/egress and parking, off-site improvements (such as street, curbs and sidewalks, screening of outside storage areas, lighting, utility services and setbacks of buildings or structures).
3. The plan shall show that the proposed use or uses would conform with the requirements of regulations for the IND-1 Zoning District, and development and use of the subject parcel of land shall be according to these requirements and the approved Plan of Development.

B. An IND-2 Zoning District may be established and made a part of the Zoning District maps prior to the Town Council approving a Plan of Development. However, prior to any zoning clearances and building permits being issued, the following actions need to take place:

1. A Plan of Development must be prepared in accordance with the site plan requirements detailed in Chapter 2, Section 2.04, herein;
2. This Plan of Development must be submitted to the Planning and Zoning Commission for its review and report. The Commission will file its report on the Plan of Development with the Town Council;
3. The Plan of Development must then receive the approval of the Town Council.
4. The plan shall show that the proposed use or uses would conform with the requirements of regulations for the InD-2 Zoning District, and development and use of the subject parcel of land shall be according to these requirements and the approved Plan of Development.

Section 13.06 Expiration of Approval.

Approval of a Plan of Development by the Town Council shall be valid for two (2) years, in which time construction of the project shall commence and be pursued in earnest. If there is any lapse in construction for a period of six or more months after construction has begun, the Plan of Development will be considered abandoned and resubmittal and review must take place. Prior to the expiration of the approval, the developer may request an extension of time from the Commission to initiate the project. The Commission upon a finding of substantial grounds may grant an extension of time up to one (1) year.

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Section 13.07 Density, Area, Building and Yard Regulations:

The chart which follows specifies the minimum lot sizes, minimum lot widths, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and the minimum distance between buildings.

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FOUNTAIN HILLS ZONING ORDINANCE SUMMARY

INDUSTRIAL DISTRICT

DISTRICT	AREA (SQ.FEET)	WIDTH (FEET)	BLDG HEIGHT (FEET)					LOT COVERAGE	DISTANCE BETWEEN BLDGS (FEET)
				MINIMUM YARD SETBACKS					
				FRONT	SIDE	STREET SIDE	REAR		
IND-1	35,000	150	40	25 a	25 bc	25 a	0 d	60% e	UBC
IND-2	6,000	60	40	25	10 c	25	25	60%	UBC

- A. If property abuts a highway or collector street the setback shall be 40 feet;
If property abuts a local street or interior street of an industrial subdivision the setback shall be 25 feet, or the height of the building whichever is greater.
- B. When adjacent to a residential district there shall be at least a 30 foot setback or the height of the building, whichever is greater, of which a minimum 10 feet shall be landscaped.
- C. Or height of the building, whichever is greater.
- D. When adjacent to a residential district there is to be a 50 feet setback, of which a minimum 25 feet shall be landscaped.
- E. Inclusive of all buildings, parking areas, and accessory facilities.